CENTRE FOR NEW ECONOMICS STUDIES
CONVERSATIONS IN DEVELOPMENT STUDIES

INDIAN SECULARISM: ADJECTIVE OR NECESSITY?

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CONVERSATIONS IN DEVELOPMENT STUDIES (CIDS)

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ABOUT CIDS

CIDS (Conversations in Development Studies) is a peer-reviewed, quarterly research journal publication produced by the research team of Centre for New Economics Studies, Jindal School of Liberal Arts and Humanities, O.P. Jindal Global University. This student-led editorial journal features solicited research commentaries (between 2500-3000 words) from scholars currently working in the cross-sectional aspects of development studies. Each published CIDS Issue seeks to offer a comprehensive analysis on a specific theme identified within development scholarship.

The editorial team’s vision is to let CIDS organically evolve as a space for cultivating creative ideas for research scholars (within and outside the University) to broaden the development discourse through conceptual engagement and methodological experimentation on contemporary issues. Any research commentary submission features: a) brief review of the literature on a research problem; b) the argument made by the author with details on the method used; c) documenting the findings and relevance of them in the larger scope of the literature; and (in some instances) d) present a brief policy action plan for agencies of the state (to address the issue highlighted in the commentary). There are no pre-identified limitations or restrictions to methodological frameworks used by solicited scholars (i.e., those writing the commentary). However, the research method incorporated in any accepted submission must be explained along with its relevance in context to the study undertaken.
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CIDS Editorial
ABOUT THIS ISSUE

INDIAN SECULARISM: ADJECTIVE OR NECESSITY?

‘Secularism’ can be understood as a concept of separating religion from governance. In India’s constitutional history, this idea was advocated by Pt. Jawaharlal Nehru, but it was not included in the final draft of the Indian Constitution. It was later added in the Preamble by Indira Gandhi, which separated religion from government; and was made the central idea for the functioning of the State. However, with the emergence of right-wing governments off late, the fate of ‘secularism’ as a key part of the Indian constitution has been challenged.¹

The tale of India and Secularism is probably the most debated topic throughout the social and political history of independent India. With the nature of ethnic, linguistic, cultural, and religious differences in a country as diverse as India, it could be argued that it was important for the State to be neutral and promote equality and brotherhood. One of the key questions that looms large is to what extent does the inclusion or exclusion of the word ‘secular’ in the Indian Constitution’s preamble mean for ensuring greater social inclusion and cohesion within the nation (and for its development)?²

The two-nation theory cleaved the Indian subcontinent, where one chose a theocratic structure while the other remained a secular one. Though the word ‘secular’ was initially not a part of the Preamble, it was deliberately left out as the framers of the Constitution felt no need to point out a characteristic which India had stood out for its entire existence as a nation since ancient times.² The Indian values of inclusion, diversity, and respect for all were inherently accepted as a chief characteristic which this great nation was to stand for in the future. The inclusion of the term further cemented this idea.

¹ Express News Service, “CM: Secularism Biggest Threat to India’s Tradition on Global Stage” (The Indian Express, 7 March 2021) <https://indianexpress.com/article/cities/lucknow/cm-secularism-biggest-threat-to-indias-tradition-on-global-stage-7217637/>
² Donald Eugene Smith, India as a Secular State (Princeton University Press, first published 1963, 2011)
‘Secularism’ is the part of the basic structure of the Indian Constitution; and, scholars and jurists believe that removing it could disturb the Constitutional Scheme forever³; while others believe that there won’t be much change even if it is removed.⁴

This edition of the CIDS (Conversations in Development Studies) Journal tries to understand the different schools of thought on the concept of ‘Secularism’; exploring the concept from perspectives of colonial history, jurisprudence, gender studies, social justice, economics, and development. Had the nation chosen a theocratic status, would it have been the Sword of Damocles? Would we have witnessed stagnation in social development, class diversification, gender equality, etc.?

The CIDS Team interviewed Dr. Mosarrap Hossain Khan, Assistant Professor, Jindal Global Law School, O.P. Jindal Global University, India & the Founding-Editor, Café Dissensus for the first sub-theme – “Secularism under the Indian Constitution: Its Evolution and the Way Forward”; to explore Secularism under Indian Constitution, the way it evolved from the Ancient Era to the British Period and later in Post-independence India, and what the future holds for Indian Secularism.

For the second sub-theme – “Secularism as a tool for Social Inclusion and Economic Development”. We interviewed Prof. Jeffrey A. Redding, Dean, Shaikh Ahmad Hassan School of Law, Lahore University of Management Sciences, Pakistan & Senior Research Fellow, University of Melbourne; to understand that whether ‘Secularism’ is at the very centre of the development and the force pushing a nation towards betterment or not, and, if the word and the concept of Secularism were to be removed from the Indian Constitution, will it have a direct impact on the development and inclusion of the oppressed and the minorities, as envisioned by the framers of the Constitution or on the contrary, will there be no change.


⁴ Sruthisagar Yamunan, “The BJP Is Wrong: Merely Removing the Word ‘Secular’ from the Constitution Won’t Make It Any Less So” (Scroll.in, 28 December 2017) <https://scroll.in/article/862935/the-bjp-is-wrong-merely-removing-the-word-secular-from-the-constitution-wont-make-it-any-less-so>
The team also had the privilege of interviewing Dr. Bijayalaxmi Nanda, Acting Principal, Miranda House, University of Delhi, India for the third sub-theme - Perceiving the Discourse on ‘Secularism’ from a Gendered Lens. This sub-theme explored secularism from the gender lens, and aims to reach a study and understand whether secularism is good for gender equality or not?

We interviewed Prof. Mohsin Raza Khan, Assistant Professor, Jindal School of International Affairs, O.P. Jindal Global University, India for the fourth sub-theme – “Secularism in Modern Democracies”; for a comparative study of Indian Secularism with some thriving secular nations of South Asia, and also, to understand the ideologies and methods followed by them. The major goal of this section is to pick up the best practices to address the issues in the Indian idea of ‘Secularism’ if there are any.

The CIDS Team also interviewed Dr. Ambreen Agha, Associate Professor & Assistant Dean, Jindal School of International Affairs, O.P. Jindal Global University, India for the fifth sub-theme – “Secularism should be Non-Sectarian, Bipartisan”. Modern Secularism is the result of Western Secularism and most South-Asian countries derived their idea from the same but tweaked it as per their need and in this sub-theme the Journal aimed at exploring those styles, through a comparative study of Indian Secularism with other South Asian nations.

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Secularism under the Indian Constitution: Its Evolution and the Way Forward

We can trace the concept of ‘Secularism’ since the times of Ashoka when people were given the freedom to profess any religion of choice and the state did not interfere in that. This changed after the inception of the Delhi Sultanate, the colonial administrators also did not separate religion from the state but provided India with a common law for several facets. Post-independence, when the 42nd Amendment was enacted, India constitutionally became a Secular State; the Supreme Court of India also asserted on ‘Secularism’ in S.R. Bommai’s judgment. However, India’s secularism does not separate religion and state, the Indian Constitution has allowed interference of the state in religion such as the abolition of untouchability, opening up shrines and temples. In the present scenario, it has become important to trace the future of ‘Secularism’ and analyse all the arguments of the pro-against and the neutrals, from each era. It has become crucial to identify that whether Secularism is a threat, or not. In this sub-theme, the Journal aims to explore Secularism under Indian Constitution, the way it evolved from the Ancient Era to the British Period and later in Post-independence India, and what the future holds for Indian Secularism.

CIDS Team interviewed Dr. Mosarrap Hossain Khan, Assistant Professor, Jindal Global Law School, O.P. Jindal Global University, India & the Founding-Editor, Café Dissensus for this sub-theme.

India has had secularism since King Ashoka said that the state will not interfere with someone’s way of professing their religion. Since then, the region has witnessed a divergence from these thoughts until it was specifically added to the Indian Constitution. What, in your opinion, led to this divergence from those initial ideals?

Mosarrap Hossain Khan: You are forgetting one more person in India’s history with secularism - Emperor Akbar. If by divergence you mean moving away from this idea of co-living or coexistence, I don’t think you can necessarily use the term secularism for Akbar or Ashoka’s time because we didn’t have the modern nation-state. Instead, we had the idea of co-living, dharma, and Din-I-Ilaahi. According to history the reason for this divergence was the coming of

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Islam to India and the kind of ideas that the Muslim leaders propagated. Very often we say that the Muslim invasion was a dark period in Indian history when religious tolerance was destroyed in India. This is one way of looking at why the Ashokan ideals were destroyed in India. However, we also have the case of Akbar, who propagated *Din-I-Ilahi*. After Akbar, we have Aurangzeb who was a very hated figure. We have discussions on how many temples he destroyed. But scholars, including well-known Western scholars, wrote on how he patronized certain temples and people from other religions.

I would say the breaking point, the beginning of the conflict in today’s India, would be the advent of colonialism. The colonial division of people along community lines, which started with the census in 1872, is the first time Indians were counted on the basis of religion. Till that point, there was a certain fluid sense of religiosity among people. There were sects where Hindus and Muslims were praying to the same God. Culturally, the religions were very similar. Before the colonial census, we see Hindu and Muslim religious reform movements like the Anglo-Vedic society and the Muslim revivalist movement. These started in 1850 and even before that. We have had a gradual divergence between the two religious’ groups since then which snowballed into two separate communities post the colonial census.

We see the need for the concept of secularism in the Indian Constitution in 1947. By that time, the colonial intervention had created a deep division between people, as a result of which we had already witnessed the partitioning in 1947, along communal lines. There are certain articles in the Constitution, like Articles 25, 26, and 27 of the Constitution, which furthered the cause of secularism, even though the word doesn’t really occur in the preamble. It is because of the British rule - of the colonial census and the divide and rule policy - that led to divergence and a sense of divided community that slowly emerged between Indian Hindus and Muslims.

There were many freedom fighters who actually advocated for secularism, but it wasn't included in the final draft of the Constitution. What were the reasons behind that?

Mosarrap Hossain Khan: One reason could be that India wanted to be a modern democracy and not have a division along religious lines, because of which the partition had taken place in 1947. To insert the term secularism would be to reinforce the idea that Indians are already divided. Another reason is the difficulty of defining what secularism meant in 1947. If we look at the

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Constituent Assembly debates, the members could never actually agree on the meaning of the word secularism because it’s a Western concept from the very beginning. India wanted to be a secular democracy because Nehru and America were advocates of the concept. And because a modern democracy doesn’t have any meaning without secular ethics, without the state being secular, and dissociating itself from religion. But the members were wary because they answer to the larger public.

In a deeply religious country like India, it’s very difficult for our politicians to tell the people that they should not be following or practicing a religion. To say that the state doesn’t have a religion almost equals to telling the people that they should not be practicing a religion. But at the same time, Nehru, Ambedkar, and many others wanted India to be a modern democracy. The word secularism was not adopted deliberately. But it was always believed that India was going to be a secular democracy. Some articles in the Constitution were meant to further the spirit and philosophy of secularism in India without mentioning the term clearly.

In 1947, India could not possibly foresee the kind of developments we see in today’s India, which is the growth of right-wing politics. If Nehru could foresee this, I’m sure the word secularism would have been included in the Constitution itself. He thought that without even mentioning the word secularism, the country would adopt that kind of a framework. This dis-inclusion happened because the state had to look after the interests of the minorities like Muslims. If the state had adopted the word secularism in the Constitution, then the state would not have been charitable to Muslims. And if the state had adopted the word secularism in its Preamble, then the state also had to adopt the Uniform Civil Code. They could not possibly have had any separate laws.

Nehru was wary of that as well because he felt this could alienate the Muslims further. He wanted to build a social fabric that was inclusive. To maintain a balance, both Nehru and Ambedkar agreed that India should be secularized in its outlook without adopting the word in the Preamble.

Given what you said about the wariness and anxiety of the Indian leadership at that point, would it be fair to call the Indian interpretation of the concept of secularism a happy compromise?

Mosarrap Hossain Khan: In India, every religion has been to an extent patronized by the state. Muslims have been given special privileges like subsidies to go to Hajj and many other concessions. We never adopted the western sense of secularism, in completely dissociating the state from religion. The state has the right to favor religions, and all religions equally. So, this is the compromise. But this compromise has also been corrupted to an extent through certain words
and politics, and it has also been taken by the right-wing political forces as appeasement.

Today the Rashtriya Swayamsevak Sangh (RSS) clearly says that they want a truly secular state in India, which would not favor any religion because they feel the state has been favoring Muslims since 1947. But then again writers like Gyanendra Pandey and others say that, at its core, the idea of nationalism is Hindu nationalism, because India is already a Hindu state, even though we do not proclaim it. Even if the state doesn’t show favor to any religion, it will automatically show favor to the majority community because it is dominated by the majority community. Some critique secularism as an act of charity by the Indian state in 1947.

India remained secular and didn’t adopt a state religion so minorities could thrive in this country. Today, we see something quite different. And the reason is very simple. In a deeply religious country like India, to say that the state would not favor any religion would have been counterproductive. The process of secularism takes time and all over the globe, that idea has backfired. In America, and in other parts of the globe, we see that people are once again becoming conservative, becoming traditional. Whether it’s White Christians in America or Muslims in Turkey. So, secularization has kind of failed. And religion has now made its entry into the state itself. It is not just a question of compromise anymore. I would say India may not be secular the way we understand western secularism.

India sort of evolved during Indra Gandhi’s period and the term secularism was added into the preamble. It also became the central idea of the functioning of the state. In your opinion, was this amendment a necessity, or just an adjective addition given the time period?

Mosarrap Hossain Khan: This amendment was made during the emergency in June 1975. In the late 80s and early 90s, the RSS was becoming prominent. So, in some ways, it was also to stamp her (Indira Gandhi’s) authority on the Constitution. I think these two words - socialism and secularism - were added because her slogan was garibi-hatao. So, socialism and the politics of poverty was her vote bank. She brought in the word socialist, to show the greater populace of the country that she cares for the poor. If I’m a little cynical, I would say that secularism was added to appeal to a particular category of people in the country and to counter the growing right-wing forces in the country. And also, to justify the repression that the emergency entailed in 1975. She had to assert that the people protesting against the government were essentially anti-poor. So, she felt

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the need to insert these words because otherwise the state would be hijacked by all these protesting forces across the country, especially the right-wing forces which were becoming quite powerful at the time.

In an article\(^\text{10}\) that you had written in 2016, you mentioned that, I quote, “Nehru’s idea of India was essentially a project to mend the social fabric”. In this context, what were the challenges that the region faced during that time? And how have those challenges evolved, given time and given our evolution as a state?

**Mosarrap Hossain Khan:** The challenges we see in 1947 are very much the challenges that we see in today’s India. Nehru inherited a fractured nation, a country that had a history of bloodshed behind it. When embarking on this journey of wanting to create India, on the basis of a rational, secular state and modern democracy, the idea was to leave behind the legacy of the partition. That is the kind of structure and the social fabric that you would want it to mean. And that’s why the states, especially under Nehru, had shown special favors to the minorities, especially Muslims. India didn’t need two different sets of laws for criminal laws and personal laws. There could have been one Uniform Civil Code across all religions, but India didn’t do that. This was to mend the social fabric, by showing the Muslims that the state really cared.

Nehru called back many Muslims who had migrated to Pakistan. Many came back because Nehru said the Indian government would grant special privileges to the Muslims, to prove that India is a truly secular country. When Manmohan Singh became prime minister, he had uttered exactly the same words\(^\text{11}\), and the right-wing opposition had immediately pounced on him. Manmohan Singh was simply repeating what Nehru had said. Because of the changed atmosphere today, this effort (to mend the social fabric by showing favors to minorities) has been given the color of vote bank politics. It has been often referred to as pseudo-secularism by Advani and other right-wing politicians, because of which Muslims have become targets of vile politics in India. Right-wing politicians claim that the moment we stop talking about Hindu and Muslims, and we only talk about India, we will mend the social fabric once more. The current government wants to create a sense of nationalism, by trampling down on the rights of a particular community. If one community is being repressed, I don’t

\(^{10}\) Mosarrap H Khan, ‘Nehru’s ‘Idea of India’ is dead, but is there still a way to re-imagine a sense of community in our fractured times?’ (Scroll, 3 March 2016) <https://scroll.in/article/803377/nehru’s-idea-of-india-is-dead-but-is-there-still-a-way-to-re-imagine-a-sense-of-community-in-our-fractured-times>

\(^{11}\) PTI, ‘Minorities must have first claim on resources: PM’ (The Economic Times, 9 December 2006) <https://economictimes.indiatimes.com/news/politics-and-nation/minorities-must-have-first-claim-on-resources-pm/articleshow/754218.cms?from=mdr>
know how we can talk about inclusive nationalism. In 1947, we adopted the Constitution which gave the individual their rights for the first time. But it is not the individual who negotiates with the state even today, it is the community on behalf of the individual. In India, we have to create a sense of nationalism based on community affiliation. We need to analyses how the community engages with the state.

I don’t think the right-wing idea of de-linking the nation from the community is going to work in the case of India. Although Nehru talked about secularism and modern democracy, he knew that it’s a community that engages with the state and not the individual. That’s why Indian National Congress (Congress) politics has always tried to adopt a community-based representation; they have a certain number of MPs from the Muslim, Christian, Anglo-Indian, and Sikh communities. The Bharatiya Janata Party’s (BJP) idea of representation is very different. They did not give a single ticket to a Muslim in the Uttar Pradesh Assembly Election. In the recently concluded Bengal election, they gave tickets to five or six and none of the Muslims won.

If you look at the crisis in modern-day India, it is because the community is getting alienated. The community feels that it has no stake in the state anymore. Look at the present government, I can’t think of any Muslim minister in the cabinet at the moment, only possibly Mukhtar Naqvi. If we need to mend the fabric, we have to go back to this Nehruvian idea of mending social fabric. We need to relook at the question of community and how communities are the bedrock of Indian politics.

Pre-1947 it was community-based politics that led to communalism. Yet in modern India, once it became free, that was the only way to conduct politics because if a community had to be favored, we couldn’t simply say that all individuals are equal. Not all individuals start with the same kind of capital or social capital. The only way to mend these divisions is if we allocate certain resources to certain communities. When Nehru embarked on his journey, it was at the back of his mind that Muslims and Sikhs needed some special privileges because they are a weaker community in this country. Unless we stop talking of an abstract idea of nationalism and go back to the idea of prioritizing the community, I don’t see a possibility of the social fabric being mended in India.

You spoke about the sense of community and what has happened to it. In the same article¹² that I previously mentioned, you spoke about the difference between the concepts of ‘live with’ and ‘live together’? Can you elaborate on that a little bit?

¹² Mosarrap H Khan (n 10)
Mosarrap Hossain Khan: I wrote it quite sometimes back, don’t exactly remember the words I used but I think I mentioned some French theorists like Lanusse and others in that article. Ashis Nandi says that we don’t need secularism in India because that’s a Western concept. We don’t need it, because, since ancient times, or especially medieval times, Indians have been living together. Living together is what we understand by co-subjectivity or being considerate to each other. But I was, to an extent, trying to counter that whole idea of ‘living together’. I think we should move from ‘living together’ to ‘living with’. ‘Living with’ is, what we call in philosophy, the idea of singularity. ‘Living together’ is based on the idea of subjectivity, that we individuals are subjective beings.

When I live with someone else, two subjects come together. Yet both of us remain distinct in some ways, different from each other. ‘Living with’ is a more intense kind of situation which is based on the idea of singularity. Singularity is not based on the notion of subjectivity; it is rather a state of being in which we always open ourselves out to others. This is what the notion of singularity denotes. When we live with others, that means we are opening ourselves to others already. We are already being vulnerable. That is what philosophically speaking ‘living with’ denotes. Living together is where we maintain our individual subjectivities and we are defensive in some ways when we live with others. We simply kind of tolerate each other to an extent. This is why not many scholars prefer the idea of tolerance.

We say that India is a tolerant nation. Tolerance denotes that we tolerate but we don’t like each other. We only tolerate it because we have no other option. When I say, ‘live with’ someone, it denotes that I open myself out to someone, where my singularity allows me to be vulnerable to others. Likewise, someone else’s vulnerability allows them to be completely open with me. It’s a more intimate and intense form of living together. Not just a simple living together. I know it’s a philosophically dense idea, especially because I’m using Lenausse and others in the article. To put it in simple words, when I say living with others, I mean that we need to base our life on precarity. Again, it’s a philosophical idea that I’m borrowing from Judith Butler. The idea of precarity states that we all are vulnerable in certain ways. Once we are aware of each other’s vulnerabilities, only then can we actually live with each other without fear because we already know that we are as exposed as someone else. We are all precarious, we are living a very precarious life in this world. For example, global warming can cause the whole country to be flooded and it is not going to differentiate between a Muslim and a Hindu or a Sikh and others. ‘Living with’ then would mean living with that notion of vulnerability. The idea is that we are all open to certain attacks, certain viruses like COVID-19. This is what I meant by ‘living with’; that we are aware of each other’s vulnerabilities, and that should bring us closer. That is the idea we should promote.
Maybe this is an oversimplification of what you just said. Are you suggesting an increased role of individuality within the society?

**Mosarrap Hossain Khan:** We base the idea of living together on intersubjectivity or subjectivity, which is based on the idea of individuality. Individuality means closing yourself off from others and creating a boundary around yourself. Singularity is retaining that individualism, yet being open to others. And only when we are open to others, can we actually live with each other. ‘Living with’ is more important to me than ‘living together’. My neighbor is a Hindu, he can live in his house and I can live in my house. We are living together yet we are not living with each other. If we were living with each other, we’d be opening ourselves to each other. That is to me what should be the foundation of secularism.

**How are the concepts of the indifference of a state to religion (Dharma Nirapekshata) and equal respect for all religions, imbibed within the Indian understanding of secularism?**

**Mosarrap Hossain Khan:** How do we really define *Dharma Nirapekshata*? Rajnath Singh had said the word secularism should not be used because the Indian equivalent of secularism should be *Panth Nirapekshata*. It should be non-sectarian, not non-religious. If we take the definition of *Dharma Nirapekshata*, which means indifference to religion, it will be impossible. Like Ashis Nandi says, dharma does not really mean religion, it means an ethical system by which all of us live. Everyone has their own ethical system, Muslims and Hindus will have different ethical systems. Nehru himself said that we are using the word secularism because of a lack of a better word. So, to come back to your question, I will say this is because of definitional problems. *Sarva Dharma Sambhab* means being friendly to all the religions, which is exactly the union state in our concept. Most non-Western countries have adopted secularism, but that project has failed in all these countries, across the globe. Most non-Western countries adopted a compromise, between remaining completely indifferent to religion and showing favors to religion to an extent. They had to adopt this compromise. I don’t think any of these countries, especially India, was ever secular.

You mentioned that we cannot separate religion from state as it touches every aspect of our life from birth to death and further. Secularism separates governance from religion, but in India, the Constitution has allowed interference of the state in religion. In your opinion, has the Central and State government adopted secularism in true spirit or is it a mere provision in the Constitution?
Mosarrap Hossain Khan: In the contemporary right-wing debate, India was never a truly secular country. It has always been pseudo-secularism under the guise of secularism and has shown favors to minorities. However, if you ask the minorities whether India is secular, they would also give you a similar answer, in the letter, but not in spirit. Muslims often point out that the state claims to be secular, yet it never tries to rein in violence against them. Because their mosque has been destroyed and they have been periodically massacred by the state in riots. From both the minority perspective and from the right-wing perspective, it appears that India is not a secular country. I have also often thought that India is secular in the letter, but not in spirit. India was a majoritarian country in 1947 and remains one even today. Gyanendra Pandey has a very interesting article called ‘Can a Muslim be an Indian?’\textsuperscript{13}, in which he talks about how Congress politicians were in 1947 talking about Muslim disloyalty, and how Muslims are disloyal to the country. Muslims who had relatives in Pakistan and went to meet them were searched at the airport, on the pretext that they were carrying weapons and bombs from Pakistan. Congress politicians were encouraging this humiliation of Muslims. Congress has always pretended to be a secular political party, but it is a majoritarian party. BJP, or the right-wing, is also blatantly majoritarian. So, in a sense, the state was never truly secular in that sense. From the beginning, India was a majoritarian state, if it could force itself on a Muslim principality (Hyderabad) in India, I personally believe India has not been a fully secular state. If that was the case, India would have cracked down on religious fanaticism much more than it has done.

To follow up on what you mentioned, is the state of secularism today a result of the type of democracy that we have?

Mosarrap Hossain Khan: Yes, of course. Modern democracy is founded on certain notions: rule of law is the first and foremost principle of modern democracy. Do we have a rule of law in this country? Are we all equal before the eyes of the law? Does a poor man and a rich man, a man and a woman, a heterosexual person, and a homosexual person have similar rights under the state? In all indexes, we can see that over the years, India has slipped in its ranking of democracy. When the rule of law is poor, we cannot protect minorities. Vigilantes and mob lynching take over when there is no rule of law. One could just take 100 followers to the police station and get their members out of the station. Members who have lynched people or raped women or done other horrendous things. I’m not just talking about one particular community; I’m talking about rule of law. If the quality of democracy is poor, then the quality of our commitment to secularism is definitely going to be poor. The state must be equally responsive to all religions, all members of all communities. If that is

\textsuperscript{13} Gyanendra Pandey, ‘Can a Muslim be an Indian?’ [1999] 41(4) Comparative Studies in Society and History 608
not present in the system, then this is a result of the deterioration of the democracy that we see in India today because of the lack of rule of law.

As we know, secularism was included in the Constitution in the 42nd amendment, and now it’s a part of the basic structure of the Constitution as it is in the preamble. Scholars like Salil Tripathi have suggested that it should be there and removing it will hamper the social fabric of the nation. But scholars like Shruti Sagar contrarily suggested that there won’t be much change if secularism is removed. Even you have mentioned that articles 25, 26, and 27 have the concept of secularism mentioned in them. Therefore, is secularism integral to the Indian Constitution or will removing it from the preamble have an effect on the social fabric of the nation?

Mosarrap Hossain Khan: I think we need to make a distinction here between the social and the political. We can actually carve out two different questions - should the state be secular and should we be secular. We, the people, are independent of the state to an extent. If you are asking the first question, seeing the kind of hatred and violent atmosphere we have around us, I think we need the word secularism in the Constitution. It is very important for the state to remain secular. I know I’m contradicting myself and that I said that I don’t think India is a secular country. However, I think if we remove the word completely, it would provide a good excuse for certain regressive forces in the country to rear its head and trample the weaker sections and say that India is not a secular country because the word is not there in the Constitution anymore, I think it won’t be long till we see India has constitutionally become a Hindu nation like Pakistan has become a Muslim nation. From 1947 till 1975, we didn’t have the word in the Constitution anyways, but India was, I would say, more secular in certain ways during those years. Considering the current political situation in the country and the kind of regressive right-wing forces we see in the country; I would say that the word secularism is necessary for the Constitution. It can be challenged in court today. If the word isn’t included at all, on what basis are we going to challenge? We cannot simply say in the court of law that the spirit of India is secular.

You have mentioned that India is not a secular nation. What improvements can be made to the Indian interpretation of secularism?

Mosarrap Hossain Khan: In India, we have always thought of the state as having the last word on secularism, which has resulted in the state imposing its idea of secularism on the people. We need to rethink secularism from the perspective of the people, not the state. People have been living for centuries. I would like to propose vernacular secularism which is not driven by the state but emerges from co-living. We need to rethink secularism from the bottom up. We
as citizens have a responsibility of living together and celebrating each other’s religion and culture. The state for a long time has tried to impose the idea that India has different colors, cultures and states, but yet we are one. I am not comfortable with this idea. To build secularism from the ground up we would have to know each other better. In Calcutta, there is an initiative called ‘know your neighbor’. There different neighborhood groups from different communities meet each other. This is a version of co-living which can counter the Western notion of secularism.

What I gather from your answer is that because Secularism is mentioned in the Constitution, we have made it the responsibility of the State. We have as a result moved away from our rights and duties?

Mosarrap Hossain Khan: We should not limit our responsibilities to the idea of the nation-state. The nation-state is a fairly new concept and we have been living together for centuries. We have learned so much from living together. We need to recreate that idea of living with each other. There will be friction and conflict, but two communities lived together for centuries without major bloodshed.

Should we start following the concept of Sarva Dharma Sambhava instead of Dharma Nirapekshata?

Mosarrap Hossain Khan: Exactly, homegrown secularism is the only way. We cannot depend on the State to define for us how secularism must be done, this is our responsibility.

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Secularism as a tool for Social Inclusion and Economic Development

The French Sociologist Emile Durkheim claimed that; ‘religion fades away once economic development has satisfied our material needs. Further, studies by the Universities of Bristol and Tennessee used data from Birth Cohorts from the World Values Survey to get a measure of the importance of religion spanning the entire 20th century (1900 - 2000); and concluded that ‘secularization precedes economic development and not the other way around. These studies show how the concept of ‘Secularism’ is at the very centre of development and the force pushing a nation towards betterment. In this sub-theme, the Journal aims to explore that whether ‘Secularism’ is at the very centre of the development and the force pushing a nation towards betterment or not. That, if the word and the concept of Secularism were to be removed from the Indian Constitution, will it have a direct impact on the development and inclusion of the oppressed and the minorities, as envisioned by the framers of the Constitution or on the contrary, will there be no change.

CIDS Team interviewed Prof. Jeffrey A. Redding, Dean, Shaikh Ahmad Hassan School of Law, Lahore University of Management Sciences, Pakistan & Senior Research Fellow, University of Melbourne for this sub-theme.

Early theories of development embedded scientific temperament and modernization in it, but developmental studies have widely neglected religion. In such a case, can we consider secularism as a norm for Human Development?

Jeff Reading: In discussions since India’s independence, Secularism has been held out as one of the great achievements of the Indian political system. The argument has been made that India succeeded politically in sharp contrast to its neighbours — namely Pakistan — because of its secular outlook and approach to governance. I think in contemporary political discourse, secularism is held out as one of the important indices of development. However, political experience in the last 25 years, both globally and regionally, has shown that secularism has a lot of sharp, not-so-nice edges. For example, there are ways in which secularism has worked to the detriment of some communities. It is held out as a paramount achievement, with which India could distinguish itself from “less developed” or
“less civilized” political systems, but we can see that secularism is often plagued with majoritarianism and anti-minority attitudes, both around the world and in this region.

One of the things that you mentioned is that Secularism has worked towards the detriment of certain communities. Can you elaborate on that?

Jeff Reading: I think secularism is used often as a kind of weapon against minorities. That deemed un secular are not treated with generosity or benevolence — but with anger and penalties. We see the Indian judiciary engaging in this kind of attitude towards “un secular” communities — primarily but not solely Muslims. So, constantly, Muslims’ supposed attachment to religious personal laws marks them out as non-secular and religious and impeding the Indian national project.

Secularism was included in the Constitution of India through the Forty-second Amendment, whether this was an ideal necessity or an adjective addition?

Jeff Reading: This is a really good question. India was described as having a secular system of governance far before the 42nd amendment. India was characterized as secular while Pakistan was characterized as an Islamic nation as early as 10 years post-Partition. An Indian Supreme Court Justice in a 1994 case14 said “notwithstanding the fact that the word socialist and secular were added in 1946 by the 42nd amendment, the concept of secularism was very much embedded in our constitutional philosophy. By this amendment, what was implicit was made explicit”. I guess it is a fair question as to what would happen if we did not have this word in the preamble — would India’s political system be fundamentally changed with the deletion of this language from the preamble? But I think the 1976 amendment was read down, if you will, to be just like an “affirmation” of India’s secularism rather than doing anything more substantive.

Indian political psychologist Ashis Nandy termed Indian Secularism as “religious tolerance”15, what are your views on the said perspective?

14 S. R. Bommai (n 5)
Jeff Reading: I’m a big fan of Wendy Brown’s work on this topic. Wendy Brown has a 2008 book on tolerance called Regulating Aversion: Tolerance in the Age of Identity and Empire16, where one of the major thrusts of her argument is that tolerance is not exactly all that it is described to be by a lot of people. It’s not the multicultural, loving, inclusive political ideal that a lot of people want it to be. Tolerance is a way of dealing with our aversion towards certain groups. Tolerance is a kind of aversion or “hate” of what we are asked to tolerate. That understanding of tolerance may be an accurate estimation of Indian secularism because as I’ve argued in my book, A Secular Need17, I think the state practice of secularism in India is completely infused with emotions of hate and love towards Islamic law and this hate and particular kind of love are symptomatic of what is a secular dependency or a secular need.

On Nandy’s view on secularism and tolerance, some would see that as a positive thing. However, secularism is imbued with ambivalence. It is also imbued with an emotional content that registers in the feeling and language of aversion. That aversion sits there with a certain kind of perverse love and both — aversion and love — are symptomatic of secularism’s need for Islamic legal actors and practices.

Whether secularism is integral to the Indian Constitution or removing it from the Constitution won’t have any effect on the social fabric of the nation, as suggested by scholars?

Jeff Reading: It’s hard to predict the future of the constitutional language. The understanding in the practice of secularism these days would sit in some tension — not complete tension, but some tension — with the understanding of secularism some 70 years ago. We have seen a shift in what secularism has been used for in the Indian context and in many others like the French context and the US context—where the separation of religion and state has come to mean something different than what it did 50 years ago. Again, the US is not in a completely different universe now, but this situation shows that the meanings of these terms and ideas shift over time. I cannot predict the future. This goes back to our discussion of what changed in 1976 with the addition of secularism and

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17 Jeffery A. Redding, A Secular Need: Islamic Law and State Governance in Contemporary India (University of Washington Press, 2020)
socialism in the preamble of the Indian Constitution. My recent research is on why we identify certain constitutional systems as either theocratic or religious or Islamic and, on the flip side, why we characterize others as secular or democratic. I think in the Indian context, one of the ways it has been described as a secular system is because of the Preamble.

We tend to think that constitutional systems are self-identifying through their preambular language. This might mean that if the Preamble was amended to strip off the word secular from the Preamble, we could see a radical restructuring of Indian governance. However, religious freedoms, provisions that get rid of separate religious electorates, etc. are additional ways in which people read the Indian system announcing its secular character. I think something would change but it is not clear how much will change because other parts of the constitution speak, identity, and declare the Indian constitutional system to be “secular”—other than just the preamble. It’s a difficult prediction to make and we must not see it in a black-and-white way and automatically assume that just because we strip or add language to the Preamble that it will have a fundamentally transformative effect.

Recently with the emergence of the right-wing government in India, the fate of secularism has been challenged and some leaders have claimed secularism to be the biggest threat to Indian tradition on the global stage. What are your thoughts on this?

Jeff Reading: I think it goes to the question as to whether removing the secular characterization or qualities of the Indian Constitution would change India’s identity. Secularism is a capacious term with a capacious set of practices. It’s curious for me to see people describing secularism as a kind of shackles since I think secularism allows — and has been used as a way for — India and other countries to say that we are a part of the developed civilized community, and what we do is by definition developed, civilized and modern. I see secularism as an enabling device — often enough — for majoritarian behaviour. It’s a curious set of political moves being made here, but not in the self-interest of the majoritarian actor.

Democracies, to a certain extent, are inherently majoritarian. How do we find the balance between that and holding up to the concept of secularism?
Jeff Reading: It depends on how you understand secularism. Let me state some unstated premises. I understand secularism as a set of lived practices, a set of actual techniques of governance. I think the link between democracy and majoritarianism versus secularism as a kind of minority rights and a majoritarian-constraining system is an ideological construction. I don’t see secularism, in that many instances, as a brake on majoritarianism. I see it as imbued with majoritarianism. By training and personal instinct, I look at how people use and deploy language and when I see secularism being deployed as a method of governance around the world, I see it as consistent with majoritarianism.

The Indian Constitution has allowed interference of the state in religion in instances of the abolition of untouchability or opening up shrines and temples. Is this interference seen as a threat by religious bodies which leads to hatred towards the state and the idea of secularism?

Jeff Reading: There has recently been a lot of debate in India about entry — menstruating women in particular — into the temples. The petition about Sabarimala\(^\text{18}\) has been conjoined with other petitions on women’s access to mosques and so forth. Often enough, I think that what is happening here is not secularism against religion or religious communities. Religious communities are real — they are not just figments of our imagination. But they are diverse — there are diverse voices, interests, and histories.

In a lot of the recent discussions, I think there is a way in which the state is uncomfortable in what it is being asked to do in terms of “interfering”. Not interference \textit{per se}, but because it’s being asked to side with one segment of the religious community — to play a kind of sectarian role. I think we have to be careful here since there are real issues of gender equity, equality, caste equality. We need to make sure that those are the things that we as justice actors are focused on, rather than on long-standing sectarian issues where our involvement will not bring any resolution or will perhaps exacerbate these tensions. A lot of these sectarian issues have to be resolved within communities. And this is true for both the Indian context and also true internationally for different nation-states. These are political problems. Outside interference, if you will, has to not exacerbate the existing tensions within communities.

\(^{18}\) Indian Young Lawyers Association \& Ors. v The State of Kerala \& Ors. (2019) 11 SCC 1
I think it is a very case-by-case approach that secular state actors have to take. However, one thing that I’ve written about recently is how the efforts to resolve sectarian disputes about triple talaq — by bringing in outside actors and mobilizing them by internal actors — seems to be creating too many cooks in the kitchen and not solving the fundamental justice issues relating to equality that are there. Another articulation is to see how these secular practices are instantiated. It doesn’t help much to just look at the ideology of secularism. We have to see what secularism is doing and whether it is helping a certain situation or making it worse.

Secularism separates states from religious institutions and states also majorly choose not to interfere in the way religious institutions profess their religion. But while doing so, has the state failed to address the issue of discrimination and violence faced by the LGBTQIA+ community within the religion?

Jeff Reading: I think the separation of state and religion that you are asserting that secularism is doing, that is an ideological assertion. For example, look at the practice of secularism and secularism vis-a-vis LGBTQIA+ issues. One thing that the Indian example highlights are that secularism is remarkably anti-sex. It may not be the same kind of anti-sex that different traditional or religious communities are described to be, by outsiders. Secularism, so far as I can see, is not a pro-sex or sex-positive ideology. There are just as many homophobic secular people as there are homophobic religious people.

In India, one way that this is crystal clear is the prohibition and restriction on the Public Display of Affection (PDA). There is policing over such activities, usually assumed to be heterosexual. Another example is the discussion around divorce in India. India is not unique in this way. The Indian legal system is intensely anti-divorce. In the imagination of the legal system, divorce means all sorts of horrible things — it leaves children bereft, leaves people destitute. But it is also something that people who are not invested in the right kind of intimate relationship do; someone who is divorcing too often becomes morally suspect. Trying to tie people to one partner for a lifetime — which the Indian legal system pertaining to divorce tries to do — is a remarkable demonstration of a kind of fear and aversion to a vivid, robust and rich sexuality, if you will.
Therefore, secularism is not going to solve a lot of queer people’s issues — the legal system is not sex-positive. It will be very interesting to see a sexual Personal Law system in India — for instance, if a set of same-sex specific family laws get drafted in India. I don’t know if this could happen, since it would highlight sexuality in a way that the Indian legal system isn’t comfortable with. I also do not think that a uniform system is going to treat queer people all that well. Additionally, it is interesting to see the BJP, despite its unceasing quest for a “modern” uniform civil code, recently pointing to religious traditions to justify the exclusion of same-sex couples from marriage and divorce, inheritance, etc. LGBTQIA+ family law is causing consternation for a lot of political hypocrites who are having to show their cards.

As you have mentioned, secularism is anti-sex. Even Joan Scott in her book *Sex and Secularism*¹⁹ mentioned that the notion of gender equality is central to secularism is a false notion. What’s your take on that?

**Jeff Reading:** Returning to secularism as a set of practices rather than ideas, I think her book demonstrates that secularism in France is not about equality — it is about protecting a certain sort of entrenched French-ness that is imbued with majoritarian and anti-immigrant norms. I think the pandemic has made some of this even clearer because of these anti-hijab/niqab sentiments that we see in France and other countries. In a time when everyone is supposed to be masking up, Muslim veiling is seen as different than white people masking. How do we know? Because we know religion when we see it — this is something that the French majority would say. When you ask for the difference idea-wise, French secularism reverts to a kind of brute assertion that the whites themselves know what religious masking is versus what medical masking is.

When we are looking at the French interpretation of secularism, is there an element of inherent racism in that?

**Jeff Reading:** I would rather say it is long-standing, entrenched, and hard to eradicate. It is more evidence to the point that Secularism under the French system is a very capacious term. The anti-Hijab/Niqab, anti-Sikh/Turban dimensions to French secularism are ultimately an attempt to tell people what they can and cannot wear. I think that is a very capacious set of powers that is

being justified under the term of Secularism. I don’t understand this inclination of some people towards Secularism as restricting — I think it has enabled all sorts of bad behaviour.

**The Indian and French interpretations of Secularism appear very different in the spectrum of Secularism. Do you think the answer is somewhere in between both of them? Is it a tightrope walk?**

**Jeff Reading:** I do not see them necessarily as different. France has been historically anti-Catholic and now basically anti-Muslim in character, very hostile towards religion and trying to eradicate it. On the other hand, we have the Indian model where the state ideologically considers all religions equal — a sort of equidistant appreciation of different religions. The idea is of equality and not eradication. However, that is all ideology. There are ways in which the models are heavily similar, especially in their Islamophobic sentiments, and in both, secularism is the mode and method which enables that. Therefore, they may be different, but they have converged in a lot of ways.

**What is your understanding of Indian Secularism and does the idea need an overhaul or is it perfect?**

**Jeff Reading:** In my mind, this goes back to the question about the Preamble. Can we just change systems of politics and governance by just removing some language from the Constitution? Do we have the agency *vis-a-vis* these ideas and their history that we often think that we do? The simple answer is, no. I don’t think secularism in France or India is amendable through a simple political act. There are long-entrenched histories to these words and practices in both France and India. But things do shift — but they shift slowly.

It would be naive to think that we can just amend secularism to make it better. Would a Uniform Civil Code make the Indian system more secular? If we get rid of all personal law systems and implement the Uniform Civil Code, would it be interpreted uniformly by the different communities in India? A lot of these terms that we have in family law like “cruelty” in the instance of divorce, or “best interests of the child” — are not self-defining. They have to be filled — and often enough they are filled with stereotypes. What is deemed to be cruel in a Muslim marriage will be different from what is deemed to be cruel in a Hindu or Christian marriage. We don’t just magically change the systems that we are
embedded in. Political agency is far more complex and multifaceted — it is more bottom-up than top-down. Are there other things about Indian secularism that I wish were done better or in a way where it was more so used as a carrot than a stick? Yes, but no single person will be able to wave the wand and bring constitutional amendments that would create a clean slate, from which perfect governance might emerge.

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Perceiving the Discourse on ‘Secularism’ from a Gendered Lens

Secularism is considered central for Gender Equality, but the facts and figures suggest the contrary. The Gender Inequality gap which was earlier estimated to be balanced in 100 years, will now take more than 135 years, and some scholars like Joan Wallach Scott believe that ‘the notion that equality between the sexes is inherent to the logic of secularism, is false’. This raises a lot of questions, India is struggling with Gender Inequality, as it is not reaching any of the pre-determined indicators, and secularism being in question can add to the problem or opposite. This sub-theme explores secularism from the gender lens, and aims to reach a study and understand whether secularism is good for gender equality or not?

CIDS Team interviewed Dr. Bijayalaxmi Nanda, Acting Principal, Miranda House, University of Delhi, India for this sub-theme.

Secularism was included in the Constitution of India by the 42nd Amendment, in your opinion, was this an ideal necessity or adjective addition?

Bijayalaxmi Nanda: Secularism is the general principle that is present in our Constitution, anyway. So, for general understanding, if you look at the Constitution, the values of the Constitution are committed to secularism because that is the basis for the country’s partition because we didn’t believe in the two-nation theory. So, secularism, in that sense, remains a principle. Now answering whether it’s an adjective addition to the Preamble or a necessity, it enhanced the value of Preamble but was not an immediate necessity. However, if you ask me, whether the addition has done any damage, or if there was a problem with adding that word, then, No! There is no problem with it. It is just highlighting something that the Constitution already has, those principles that are very much a part of the Constitution of India, freedom of religion, principal distance, all of that is already in the Constitution.

Recently, some perspectives have come up, in which few scholars believe that, if the word secularism is removed from the Constitution won’t have an impact on its functionality. What is your view on this, and whether such removal will disturb the social fabric of India or not?
Bijayalaxmi Nanda: The moment we give the word ‘Secularism’ the importance, that we have to work on removing it, it would reflect that there is a problem, right? You are removing it; people might wonder what is the reason for the removal? That is a problem that we need to address, why would you want to remove the word, questions may arise that what problem it has caused to the Indian Constitution. One should move on to creating a certain harmonious understanding of Secularism, and that is necessary for the world at large, not just for India. Right now, it seems like we are doing well, in terms of, communal harmony, we are in some sense that we have come to a common understanding. So, by removing it, what are we going to create through that? That is the major question here. The general understanding of it should be that, what we want to achieve by removing it rather than whether removing it will change the Constitution. I don’t think it is only about the Constitution. It is about what outcome will come out of that. The important thing to note here is giving the reasons if the reasons are valid, and if we are able to frame that debate properly for the removal, then so be it. If the removal is going to create a better world or a better society, we need to look at all of that, we need the valid arguments for that, then only we can proceed with the removal.

Joan Wallach Scott stated that ‘the notion that equality between the sexes is inherent to the logic of secularism, is false’. However, the prevalent belief is that gender equality is part of the process of secularization. What are your views on these two opposing perspectives?

Bijayalaxmi Nanda: Scott’s understanding of gender is well known, and it is something that we have all studied in terms of trying to understand what gender is, she has made us realize that gender is basically a power construct, it’s not so much about men and women, but it is a power construct. So how do you unravel that? She has mostly looked and worked on European Secularism; she raises questions around the problems of that part of the world. She has looked at women, religion, and the secularism discourse, and how in the discourse of secularism, there are separate spheres for men and women, and it’s all taken as a natural factor that you have created secularism, and you are therefore brought in political emancipation, and you made believe that the whole discourse of secularism, it is going to give freedom to women, women are politically emancipated, because you have given them secularism, and that does not really happen, because secularism is at a principal distance from religion, but the
problems that women have in their own communities, within cultural and religious communities, what are those problems, and whether secularism by keeping a distance from that, moving away from that historical understanding of moving away, and that would be problematic. Her idea is to look through the whole history of secularization, looking through processes, the European states where they brought organized religion under their control, and they introduced bureaucratic management, technical calculation, they justified this ability, by looking at republican or democratic theory.

So, secularism was made synonymous with these processes, the historical triumph of enlightenment over religion, but with women, that escaped never happened, and she empathized on the fact that, the escape needs to look at whether women really escaped their religious boundaries, and so, she is making a point, which is very important, that whether the principal distance has made any kind of a separate space for women to move out to be part of the equality discourse, whether the secularism discourse is equal to the equality discourse for gender, and I think she has a the point there, because they are two separate things, and scholars need to look at it in-depth. Because just by saying you are a secular state doesn’t mean that you are committed to gender equality, and that is why a number of feminists have talked about the Uniform Civil Code, as a principal distance was not taking care has a number of issues that could be there. So, they’re in the principal the stance could be a problematic one, and therefore, I think Scott is raising that, in the context of France to some extent, but we could also look at it from a point of view of India. Her book that we are referring to her book Sex and Secularism20, right?

If we look at Joan Scott's theory in Indian perspective, whether is it applicable on us, or we need to change it as per our culture and needs?

Bijayalaxmi Nanda: Every country, has its own relook on Secularism, same goes for Europe, but the European secular stance and the Indian secular stance differ in many ways, but again, when it comes to gender, I think, you have to you have to look at it very, very clearly. If you look at personal laws, there has been many demands to look at Uniform Civil Code. In India, while this stance would be the principal distance or being away from that concept well, whereas in the European ideas, it’s looked and conceived as an idea to promote equality

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20 Joan Wallach Scott (n 19)
among religions and the state not interfering in it. In India, we in some sense
give importance to religion, and it is it is important for us to see whether that
importance and personal laws do make it difficult to apply Scott’s theory, but
Uniform Civil Code does provide us certain principles that makes it easier for us
to look at gender equality, in a more structured way.

In India, Secularism is perceived as an equality of religions, instead of
focusing on the separation of state and religion. In view of that do gender
biases and prevalent norms seep into our law making and governance?

Bijayalaxmi Nanda: I think they do, because if you take a look at the Uniform
Civil Code and the issue of gender justice, if they are closely related, and there is
an importance and one need to do an in-depth legal inquiry into that. Coming
onto Article 44\textsuperscript{21}, it says that we need to look at laws around marriage, divorce,
maintenance, guardianship succession, so you have to look at it across and, and
it’s important, and the same was held in the Shah Bano case\textsuperscript{22}, which we don’t
need to underline, the problems exist, and we can see how personal laws can be
discriminatory against women. There have been many changes within the Hindu
law that has happened, such as co-parcener rights for women in terms of
property, and that has been a major fluke or for that matter, even the Triple
Talaq case\textsuperscript{23} that has come in, but it is still not out there, it still remains a
Directive Principles of State Policy\textsuperscript{24}, and it cannot be enforced in a court of law.
So, it is the prerogative of the State to start looking at the Uniform Civil Code,
the moment personal laws are made uniform and women have the same rights
across religions across and marriage becomes what it is “a legal contract”, and
there comes a uniformity in divorce and maintenance. Criminal Law is equal for
everyone? So why should we in the backend of personal law, and there is a non-
uniformity? That’s where is the problem, and there is a necessity to give due
attention to this matter. Therefore, it is important that we maintain this principal
distance, and it is necessary because women in the name of religion, should not
be made to suffer and made to feel as an unequal because they are, they are equal
citizens of the country.

\textsuperscript{21} Constitution of India 1949, art 44 <https://indiankanoon.org/doc/1406604/>
\textsuperscript{22} Mohd. Ahmed Khan v Shah Bano Begum AIR 1985 SC 945
\textsuperscript{23} Shayara Bano v Union of India (2017) 9 SCC 1
\textsuperscript{24} Lokesh Vyas, ‘Directive Principles of State Policy (DPSP) under the Indian
Constitution’ (iPleaders, 5 May 2018) <https://blog.ipleaders.in/directive-principles-of-
state-policy-dbsp-under-the-indian-constitution/>
How do you think that the concept of Secularism can be employed to make Indian society a more equal space for women in terms of job equality, moral policing, public shaming etc?

**Bijayalaxmi Nanda:** The concept of secularism is already there. The idea of secularism in the way in which we are talking about the Uniform Civil Code would definitely help gender equality, that should be the point, not secularism as employed because secularism is already there, we are a secular country and we are not denying that all we are saying is that when you look at gender equality, how are you going to be engaging with that? What do you think in religion makes women unequal? All religions for that matter, what are the religious precepts or beliefs that make women unequal? Therefore, you look at this private sphere, where women exist in the private sphere and there are inequalities there. So, the religious and the secular, become very, very difficult to engage, there is a religious field where women are unequal, and then they are equal in the secular field, which becomes a problem.

So, we have to give women that particular space and that space would be okay if women are given the choice, like the choice to wear any particular garment be it the burqa or the veil or whatever it is, it is your choice, but if you are being forced to do it, and there is a certain force, what is your exit option because the State says freedom of religion and then moves out, then where is that space for woman, for in order to exit. If you take a look at feminists, they have always been very, very critical of communitarian positions, and these are communitarian positions where you say that religion should be left on its own, no religion cannot be left on its own, if it is being problematic for individual rights and women have individual rights. So, the secularism project for us should be that one has to intervene, wherever there is violence or discrimination, across religions and rights should be above religion because we are discussing here, the right to life, the right to property, the right to dignity, and therefore it is necessary.

Even if you look at the Hindu law, it has been codified there were certain discriminatory provisions, but now you do have the Co-parcener rights being available to women if we look at Muslim laws, you have seen triple talaq, certain things within Muslim law maybe progressive, but this was a problem and that has come in from Muslim women themselves. But in the case of maintenance,
beyond the *iddat* period, she cannot be maintained, it should be provided to her. Similarly, amongst Christian and Parsi women, also there is this disparity in the rights of women as compared to men. So, what are those disparities? It is across religion there are certain disparities Hindu law has been codified, far more open to be questioned and it has been, the co-parcener rights being an example, further, Muslim law, now we have questioned it, but why not bring in the uniform civil code? It’s also a principle of secularism. So, this is where I would think gender would play a role, and Dr. B.R. Ambedkar has made a good proposition that is necessary, he cited many, many instances of uniform criminal law, transfer of property, and so many things, he tried to dispel the arguments, and some with, of course, with the Muslim members, he tried to say that you need to look at this, you need to examine this.

So, it’s necessary that the civil code should be uniform. What are the kinds of powers we can give? What is the kind of civil court uniformity that we can follow while respecting and recognizing the value and the diversity of each religion and giving them equal dignity? Yet, giving women that option not to be seen as unequal within the kind of structures they are in so it could be across religions.

**What is your understanding of Indian Secularism and does the idea needs an overhaul or is perfect for achieving gender equality in coming years?**

**Bijayalaxmi Nanda:** No, I think, the fact that we believe in secularism is a very good thing. It is the value of our Constitution, but the way in which we practice it needs to be looked at, especially in terms of uniformity in the civil codes, it is necessary that in personal laws and from a legal point of view, women need to have greater space, and that space can’t be provided, because these personal laws make women and men unequal.

So, what are those discriminatory elements if we are not able to touch them and treat everything as sacred, then that will be a problem. Everything which is discriminatory, everything which is violent, should be able to be questioned. So, the Indian government, the Indian policymakers, or the Indian people at large, should provide support to Article 44, and Article 44 should not just be Directive Principles of State Policy.

I think the way in which we looked at polygamy recently, is a step in the right direction, or even the way in which we looked at co-parcener rights within Hindu
succession, that is a step in the right direction. Unless, the women, irrespective of their religious affiliation are conferred equal rights on par with men in personal matters, how else will we get the mandate of right with quality of status? Women and men are equal in the Constitution, so why should they not be equal in the personal laws? How can you say that a woman cannot inherit property or a man can be married many times? Or that you know, a woman has no right in her marital home? Those are questions you need to ask, and adequate care should be taken, that all these rights are made uniform.

However, the basic structure of the Constitution is secularism, so we will keep a principle distance, the intervention should not be coercive, but if it is coming through democratic consensus through participation, so, definitely advocacy should be made, at every level we should involve people from the community have discussions, have debates, involve them through a participatory method so that it does not violate the basic structure of the Constitution, which is secularism, but through democracy should evolve, it should not come just from above, it cannot be forced. So, that there is not that much resentment and democratic processes that followed, basic values are not hindered, and the basic structure of the Constitution does include secularism as well. So, in that sense it should be retained.

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Secularism in Modern Democracies

India is not the only secular state in the world, most of the developed and developing nations are secular, in their unique style, and this ideology is central to their growth. Modern Secularism is the result of Western Secularism and most South-Asian countries derived their idea from the same but tweaked it as per their need. In this sub-theme, the Journal aims at a comparative study of Indian Secularism with some thriving secular nations of South Asia, and how western secularism has impacted these nations; also, to understand the ideologies and methods followed by them. The major goal of this section is to pick up the best practices to address the issues in the Indian idea of ‘Secularism’ if there are any.

CIDS Team interviewed Prof. Mohsin Raza Khan, Assistant Professor, Jindal School of International Affairs, O.P. Jindal Global University, India for this sub-theme.

Early theories of development embedded scientific temperament and modernization in it, but developmental studies have widely neglected religion. In such a case, can we consider secularism as a norm for Human Development?

Mohsin Raza Khan: The best way to answer these questions is to look at historical experiences. Historical experience tells us that there are two streams of the arrival of modernity and development in the world. One is what was experienced in the west — in Europe and its wide settler colonies — that are America, Canada, Australia, and New Zealand. And the second would be what has happened in East Asia, post the Second World War. We have seen that for a long-time development started in Western Europe and the masses remained religious, what happened was that the elites secularized first. And this is a longue durée history — in the west, it’s a five-hundred-year-old process. In the west, it is really difficult to say when economic development started because if one wants to go back it’s a thousand-year process — including the medieval and the late medieval period. Slowly, the elites first became secularized — a very tiny percentage — and that’s why you see the arrival of the renaissance.

Initially, the dominant ideology in the west was religious. Slowly the elites started incorporating the knowledge and understandings of the pre-Christians — the Greeks and the Romans. They found religion unsatisfactory in its answers.
Organized religion is a narrative, a bunch of stories around the world. It is also deeply rooted in human psychology. The human brain is wired to find patterns and seek answers and when your scientific knowledge is not developed, you turn to other stories and answers to satisfy yourself. Intelligent minds that had seen the world was not limited to only Europe, were not satisfied with these answers. With socio-economic development, literacy, increasing capacity of the state, technology to understand and control nature, the loss of religion came automatically. This process was sped by the reformation — once Protestantism developed, the church split and it led to conflicts.

The focus slowly shifted to material development. It doesn’t mean the masses suddenly lost their religion, but that the church lost centrality — religious interpretation became a personal thing. Slowly religion weakened and nationalism — again a product of socio-economic development — became more important. The strength of faith is also associated with poverty. As poverty rates fell, people became more dependent on the state and religious elites lost their importance. Added to that, the destruction that people saw in both the World Wars turned them farther away from religion. So, this combination of things — destructiveness of modern warfare, focusing on capitalism, global exposure, saw the detachment from religious dogma.

So, in a longue durée process, development is associated with the long process of secularization. In East-Asia however, religion was not as dogmatic. Confucianism and Buddhism, even with their superstitions, were more worldly. Less powerful clergy along with a mono-ethnic state helped them to quickly adopt capitalism.

The rest of Asia and Latin America however couldn’t secularize fast enough because they could not develop fast enough. Socio-economic development is linked with secularism. Those who forward the contrary thesis, believe in the west/non-west path. I however believe that humans are universally the same and they will follow the same path at similar socio-economic levels. The kind of problems that India, Pakistan, Bangladesh, etc. are facing today existed in the west too, about 200 years back. Some countries, like Iran however, have become more religious as they have developed. Modernization theory would tell us that it is a one-way street, but in these countries, it has seen a reversal.
When we speak about the strength of faith and the rise of nationalism in the 20th century, would it be fair to say that as the power of the state increased, the strength of faith of an individual shifted from that of religion to the state?

Mohsin Raza Khan: Some political theorists believe that the rise of nationalism is associated with socio-economic development. It requires law and order which in turn requires a strong state. Then the state and its ideology — nationalism — becomes more important. Many others believe that rising nationalism often leads to a decline in religion.

In India however, there is rising nationalism but of a religious character; one that is outward of a Hindu character. Political theorists like Pradeep Chibber believe that actually what we see in India is not religious nationalism; it is majoritarianism. Religion is incidental — what they want is the assertion of their identity. It is not in the spiritual or belief sense; it is more about power and self-respect. This might also apply to the Islamic world. The processes of modernization are disorienting and displacing, like how urbanization takes you away from the village community where one had an identity to cities where one becomes anonymous. Similarly in the process of modernity, old traditional ways give in to new ones but in such alien situations, people look for that something familiar, which is often religion.

Turkey, which is the most developed Muslim country became more religious. But this would not suffice in understanding the situation of Turkey adequately. The majority in Turkey was always religious; only the ruling minority was secular. With the rise of Erdogan, and socio-economic development, people from the heartland — the majority — were able to assert their identity for the first time, and that too on the state. Similar to the Turkish case, Indian secularism too was weak; one cannot have strong secularism in a democratic country that is so religious. As democracy deepened, the values of the masses became more dominant. These processes were underway in the Congress era itself, which has only helped the BJP — which has an ethnic-nationalist ideology — to impose these values on the state. Did Indian people suddenly become religious and choose the BJP?
No, it was due to a combination of several factors ranging from unsatisfactory alternatives to charismatic leadership. Secularism was the ideology of some elites and therefore it weakened as their political power weakened.

**Modern democracies such as France, the United Kingdom, and the United States are considered to be the ideal examples of Secularism, and many South-Asian countries have adapted their ideas. Is India seeing the same or has it tweaked the concept?**

**Mohsin Raza Khan:** India has completely tweaked the concept of secularism. Indian secularism is not secularism at all in the western sense, for several reasons. First, secularism even under the Congress, kept favouring the majority community, the state kept interfering with religion — it was not a neutral arbiter. Indian secularism today however would appear similar to the western secularism of the 17-18th century.

The US on the other hand was secular from the very beginning. This was because they had no single dominant group. The Protestants were in great numbers, but within that to there were many churches — Calvinists, Anabaptists, etc. This is in contrast to Europe where a single church would dominate several countries — Germany by Lutheran, France by Catholics, etc. Where one community dominates, the struggle for secularism is more. Some defend Hinduism in India saying that there is no such ‘church’ in Hinduism — keeping it secular. This is a false belief because even if no sect might dominate, Hinduism easily morphs itself into the dominant ideology, at least politically speaking. In a very short period, the version of Hinduism of the RSS — which is also that of the Hindu heartland — has become dominant.

Seeing religion as identity makes the majority think that the “others” are their guests who are living at their sufferance. This was how Christians used to think about Jews in Europe and America. Ethno-nationalism propagates this belief — that there is a group of people who own the land — and others live on their sufferance. Now the BJP even insists on calling the Adivasis (original inhabitants) as Vanvasis (jungle inhabitants) as otherwise, it would discredit their claim that they are the real owners of the land. They reject the Aryan migration theory. According to them, all were originally Hindu and later converted to other religions, neglecting the fact that a lot were polytheists and animists who only later converted to Brahanical Hinduism.
Can the issues that the Indian state is facing today just be attributed to the growing pains of a democracy?

Mohsin Raza Khan: There are a lot of caveats there. First is the failure of the Indian state to develop socio-economically. India could not provide enough literacy and large sections of the population could not assert their identity. They followed whatever the identity was of the elites — who increasingly became religious and majoritarian. Groups such as Other Backward Class (OBCs), Dalits could have asserted their own identity, but have rather co-opted Hindu majoritarianism. Secularism and other freedoms were like gifts from the rich — which were never understood or adopted by the masses appropriately — since they were not literate. Whether this is a transitional moment or an everlasting feature of Indian democracy will depend on socio-economic development.

Whether secularism is becoming synonymous with pluralism in modern democracies and has been manifested in the cultural evolution of modern democracies?

Mohsin Raza Khan: India was a lot plural earlier than it is now. There were elements of South Indian, Urdu, and other cultures present, which is now being dominated by one brand of North-Indian culture. Yet, some other cultures are now asserting themselves — Punjabi, Gujarati, urban culture, etc. However, a lot of these cultures, both in the north and south, are regressive and ethno-nationalist.

Most of these TV serials portray a twisted history — Muslims as villains and any Hindu king as heroic or the saviour. Shivaji, for instance, has been portrayed as a Hindu nationalist where he was a tolerant man. On the other hand, we also see elements of western culture — although seen as invasive by some — but is one source of pluralism. Overall, however, one can agree India has become less plural.

Can we interpret western culture in India as an equalizer between the different strata of the society?

Mohsin Raza Khan: Unfortunately, not, because western culture is more prevalent in the middle and upper classes. Even if the poor want it, their societies
are so rigidly hierarchical that they cannot. In Khap Panchayats in Uttar Pradesh (UP), even choosing one’s partner can lead to punishment. Inter-caste marriages, going against your parents’ permission can lead to murder. This lack of freedom is due to the lack of empowerment. Lack of education, employment has ultimately made the youth more dependent on their families and these rigid societal structures.

**Secularism was included in the Constitution of India through Forty-second Amendment, whether this was an ideal necessity or adjective addition?**

**Mohsin Raza Khan:** It was more of a political move for appeasement. Not much was done to implement secularism on the ground. The worst communal riots happened in Indira Gandhi’s era. It does not mean therefore that India is a secular country just because its Constitution is secular. The Constitution does not mean much since these are developing countries and not rule of law societies. From the Ayodhya matter to communal riots it has only gone on to prove that India is not secular. My thesis is that India became a Hindu majoritarian country right in 1947 itself, just like Pakistan became a Muslim majority country.

**Whether secularism is integral to the Indian Constitution or removing it from the Constitution won’t have any effect on the social fabric of the nation, as suggested by scholars?**

**Mohsin Raza Khan:** It will remain the same. In effect, they have made India even less secular than before, without removing the word “secular”. I would not say that the word is stopping them. The BJP generates these controversies from time to time which helps them to mobilize its base. Many other parties also do that. But I think removing or not removing it is inconsequential.

**The ruling party says that the word “secular” in the preamble of the Indian Constitution is a roadblock to India’s global development. Do you think removing it will have any effect on India’s development?**

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Mohsin Raza Khan: It is a non-consequential thing. It will neither have a positive nor negative impact on India’s development. I wouldn’t say that it is any roadblock. The contrary, however, may be true — that suggests that religion might be a roadblock to India’s development.

A lot of western countries have adopted a Uniform Civil Code. Do you think India should also have a Uniform Civil Code?

Mohsin Raza Khan: I think India should have a Uniform Civil Code. But I fear it will become a “Hindu Civil Code”. The laws continue to have a Hindu slant — whether they are on cattle slaughter or vegetarianism. However, the biggest roadblock to a secular Uniform Civil Code will come from the Hindus themselves. Hence the BJP does not want to implement it, for a Uniform Civil Code, the Hindu Undivided family, in terms of tax laws, will have to be taken away — something that will hurt the support base of the BJP — the very core of it.

Are the issues that we are facing today just the fault lines of a democratic nation — because democracy is inherently majoritarian?

Mohsin Raza Khan: Yes, democracies are inherently majoritarian, which makes them difficult to run in multi-ethnic/religious societies. It creates problems even in multi-ethnic/religious countries like Belgium, which are developed. More democracy, therefore, is not always a good thing; it can turn into a bad thing. One redeeming feature of India is its diversity but unfortunately, it has not been able to assert itself due to a lack of socio-economic development.

The reason India is doing slightly better than its neighbour — Pakistan — is because it is larger and therefore more diverse. Bangladesh is doing even better for the last few decades but that again is facilitated by its mono-ethnic/religious society. So, the theory, as it would seem, is that one either becomes fully mono-ethnic/religious or becomes fully diverse. A little diversity creates division and large conflicting blocks — as we saw in the case of Bangladesh’s separation from Pakistan.

India is diverse, but this diversity has not been allowed to assert itself. In India, all top positions across professions are still held by the “so-called” upper castes.
We, therefore, see mono-ethnic/religious and majoritarian behaviour both in the government and policies, which is due to a particular class of citizens dominating all aspects of Indian society. In other words, this majoritarianism has been institutionalized, unlike in the Congress era. For instance, when marriage was institutionalized, it gave it much more power than when it was just considered a private matter. Therefore, what we must avoid is this institutionalization of majoritarianism.

**Indian political psychologist Ashis Nandy termed Indian Secularism as “religious tolerance”**[^26], what are your views on the said perspective?

**Mohsin Raza Khan:** I don’t think Indians are any more tolerant than any other country. Maybe some parts of India are more tolerant than others, like that of Kerala. Only tolerance of other religions, however, is not secularism. This tolerance is also not institutionalized in law — and therefore, there is no safety. Hegel once said that “the state gives you security which makes it so important”[^27]. But here, the state is unwilling to provide it.

Where was Indian Secularism in Bhagalpur? In Bombay 1992-93? In Gujarat 2002? For Indians ‘secular’ was a myth propagated by some people purposely — and it has done more damage than benefit. Americans might be shocked at what’s happening in India right now — but actually, it has been like that for very long. Now, it’s just more open.

**How far is India from Gandhian understanding of secularism, are we moving towards the true understanding of secularism or moving away from it?**

**Mohsin Raza Khan:** First, Mahatma Gandhi himself was not that secular. Second, we have consistently moved away from the true meaning of secularism. In fact, on the ground, India was never secular. Nehru tried, but a few people at the top cannot change much. Secularism is a *longue durée* process — of socio-economic development, and empowerment of minorities, women, and other disadvantaged sections of the population.

[^26]: Ashis Nandy (n 15)
What is your understanding of Indian Secularism and does the idea need an overhaul or it’s perfect?

**Mohsin Raza Khan**: Indian secularism is quite weak, but at least it has some official theory of secularism, unlike most countries. Some think this does more harm than good as it gives false assurance and therefore does not demand betterment. I feel there is much talk and less practice when it comes to secularism.

What can be done to strengthen secularism is socio-economic development — civic education about rights and liberties. Indians are not going to suddenly become more tolerant of the minorities. But if they learn to appreciate democracy and civil liberties, they would understand the rights of others. Indian education is still quite perfunctory. Legal education, about rights and freedoms, civics, and similar subjects should be given more centrality. This would enable the general empowerment of all citizens.

Emphasis on civil liberties will strengthen secularism because if you try to emphasize secularism itself, the BJP would spin it around as “appeasement”. An Ambedkarite strategy, therefore, is more useful in this regard — strengthening constitutional values and education which would, in turn, strengthen secularism.

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Secularism should be Non-Sectarian, Bipartisan

Modern Secularism is the result of Western Secularism and most South-Asian countries derived their idea from the same but tweaked it as per their need. India is not the only secular state in the world, most of the developed and developing nations are secular, in their unique style, and this ideology is central to their growth. In this sub-theme, the Journal aimed at exploring those styles, through a comparative study of Indian Secularism with other South-Asian nations.

CIDS Team interviewed Dr. Ambreen Agha, Associate Professor & Assistant Dean, Jindal School of International Affairs, O.P. Jindal Global University, India for this sub-theme.

In early theories of development, it was said that religion was widely neglected, so can we consider that secularism is the norm for human development?

Ambreen Agha: Secularism as a concept must be embedded both in the practice and discourse of human development. Human development is largely measured in terms of health, education, and income. The problem is an ever-widening gap between theory and practice. The implementation of concepts like secularism has not translated into any real results. There’s inaction or minuscule implementation of programs. To bring social change we need to imbibe these values – of secularism and religious autonomy. To achieve inter-community harmony, we need trust and social capital.

Social capital must come from the top. The onus lies with the state to build social capital among communities. As I understand, human development is not incongruent with social change. Both must be intimately entwined for radical transformation on the ground.

Modern Western democracies - such as France, the United Kingdom, and the United States - are considered the ideal example of secularism, and many South Asian countries have adopted this idea of secularism. Has
India also adopted the same version of secularism or have we tweaked the concept to better fit the diverse nature of the country.

Ambreen Agha: We can’t understand secularism unless we locate it historically. Secularism had its origin in Europe. It originated from the pursuit of enlightenment and progress. This resulted in a separation between religion and the state. India adopted this secularism but has also tweaked the idea in terms of giving equal respect to all religions. France has had a negative idea of secularism, where wearing your religion on the sleeve is prohibited. It has a different meaning in France.

In doctrine, Indian secularism matches the one in the United Kingdom (UK), but the practice of secularism at the level of the society didn’t ever live up to the principle of equal respect to all religions. The state created political psychology of the majority where it identifies an enemy within, who is then subjugated through laws and institutions. This happened in Europe. And we see this happening in India, where secularism in India was never a central concern for the political leadership even at the heights of freedom movement – whether Nehru and Gandhi thought secularism to be irrelevant to India. Unfortunately, that’s why secularism is a polarizing word. If practiced in its true spirit, Secularism can bring diverse, heterogeneous people together, but it ends up being a polarizing tenet.

Is secularism synonymous with pluralism in modern democracies? Has it been manifested in the cultural evolution of modern democracies?

Ambreen Agha: Society has several subsections, each with its cultural articulations, practices, and traditions. Pluralism, to my understanding, would refer to the cultural aspects of these subsections. India is a multicultural society – which refers to the plurality of cultures that inhabit this territorial space – where the minorities – both national and immigrant – must practice their faith unhindered and without prejudice. This would mean a secular society and state.

However, this doesn’t mean that all plural societies are secular societies. Pluralities can exist in theocratic and semi-theocratic states that would not be secular in terms of separation of church and state but may guarantee protection to minorities in their cultural aspirations and articulations. However, the threat from communalists remains in all societies. The antonym of secularism is
communalism. There is both a violent and nonviolent side of communalism, which is employed to empower or disempower the minorities living in those pluralist societies.

**Originally secularism was not included in the Constitution. It was enshrined in some articles.** Later during the Indira Gandhi regime, through the 42nd amendment, it was added to the Preamble. Was this addition a necessity or did the government do this as an – addition?

**Ambreen Agha:** This inclusion was important, but it came very late. The founding fathers did not explicitly define the term, resulting in the contestation of the idea as we see it today. These founding fathers were witnessing the challenges of communal zealotry — the massacres taking place during the partition in the 1940s. Despite this, secularism was not given serious thought. But we also need to acknowledge the efforts of Ambedkar and Nehru in emphasizing the importance of “composite culture”, which in the Indian political lexicon meant “secularism”. They lacked the commitment to the idea.

At the same time, we need to remember that communalism was always part of the political language of the state and the society – the insider-outsider narrative. There has been a contestation of these two irreconcilable ideas – secularism and communalism - that in the modern Indian state revolve around the political rhetoric of the “Muslim outsider”, “infiltrator” and “Hindu in danger”. The despicable figure of an “outsider” is historical.

These notions were built during the 19th century and continue till today. The narrative of the “Hindu in danger”, accompanied by the villainization of the outsider, has historical roots. It revolves around the figure of the Muslim “outsider”, “infiltrator”.

Secularists and religionists are seen as antagonistic categories, where the former is seen as tolerant and the latter intolerant. But we forget that an atheist too can have prejudices towards another community.

India is a deeply religious country, and you alienate people when you say, “if you are religious you cannot believe in secularism, you cannot be tolerant”. This

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28 Constitution of India (n 6), (n 7), (n 8)
incompatible binary of secular and sacred has resulted in a fallout, giving rise and credence to the right-wing narrative.

There is a debate surrounding the idea that secularism must be removed from the Constitution. If this is done what will the effect be on the social fabric of the nation? Some scholars believe that since it was included in the Preamble, there won't be a particularly large effect on the constitution.

Ambreen Agha: Ironically, the inclusion of the word secularism has damaged the social fabric of the nation. This is certainly to do with the current political leadership that has its political agenda, which is not hidden – their vision of the nation is that of a Hindu majoritarian state. The political narrative peddled by the Hindu nationalists has been based on misinformation that secularism is anti-thesis to religion, which is not true. But which has been portrayed and projected as an anti-thesis.

As I said, India is a deeply religious society, and you can well imagine the ripples created by such a narrative of being secular is synonymous with being irreligious. Assigning a diminutive role to religion in a society like ours has led to secularism be seen as a distant and a foreign concept. This has damaged the intercommunal relationships between people. Unless secularism can be shown as part of the history of society, you cannot build the social fabric.

But on the other hand, it would be completely unfair to put the blame entirely on BJP and Hindutva. The damage is historical and must be placed in history. If we look back into the political history of postcolonial India, we see that the Congress, too, had undermined the principle of secularism in both violent and non-violent ways.

The Sachar Committee report, which gives the socio-economic status of the largest minority in the country, is a glaring example of the political laxity exhibited by the Indian state that speaks volumes about the discrimination against the largest minority of the country in matters of education, state employment, promotions in public institutions, and way of life and livelihood. To avoid upsetting the majority the state never reached out to the minority Muslim community. This damage comes from the right-wing, but also
in layers throughout history. We see how systematically, in non-violent ways, a community can be marginalized in all sectors of development.

There are also violent instances in the past, such as communal riots, which go back to the 19th century. In recent years, we have witnessed riots in Gujarat riots and Delhi. But going back in history, we see that under the Congress there were riots where minority communities have been persecuted - the Sikh riots of 1984 and the Hashimpura Massacre of 1987. Hashimpura is etched in the collective memory of the community. 50 men were randomly picked up by the police, pushed into the trucks, and shot dead by the canal at point-blank range. Some men were accused of rioting in the backdrop of the opening of the gates of the Babri mosque by the liberal Rajiv Gandhi-led government. The state only picked up Muslim rioters. By employing state machinery, minorities were silenced. And if one has to look at justice, 24 years later, it is still incomplete because the political leaders enjoy impunity. The same goes for the perpetrators of the 1984 Riots. Justice is a chimera in India.

There’s one political psychology that shapes the majority community and one that shapes the minority. This is done to crush minorities and instrumentalize fear against them. Arguably, the Armed Forces Special Powers Act, 1958 (AFSPA)\(^{29}\) in the northeast, Kashmir, and later in Punjab says how successive liberal and secular governments have used this as a tool to suppress minorities and keep them in check by instilling fear of such laws. To quote Perry Anderson from The Indian Ideology\(^{30}\), “the hands of AFSPA has fallen where the reach of Hinduism has stopped”. Even now, the Unlawful Activities (Prevention) Act, 1967 (UAPA)\(^{31}\) is aimed at silencing minorities. This describes the failure of Indian secularism. To summarize, yes, the social fabric of the nation will be damaged further by removing Secularism from the Constitution, but it is already gravely damaged.

Ashis Nandy described Indian secularism as “religious tolerance”\(^{32}\). What are your views on this?

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\(^{29}\) Armed Forces Special Powers Act 1958, Act No. 28 of 1958 (India)

\(^{30}\) Perry Anderson, *The Indian Ideology* (Three Essays Collective 2012)

\(^{31}\) Unlawful Activities (Prevention) Act 1967, Act No. 37 of 1967 (India)

\(^{32}\) Ashis Nandy (n 15)
Ambreen Agha: It’s quite right that secularism means religious tolerance. But this tolerance saw its first erosion in Independent India in the state of Punjab and West Bengal that were Muslim majority states before partition. West Bengal was the first state to see hostility towards the immigrants – the Muslim outsider. This is the place where we can trace the narrative of the outsider taking shape. And that is why Hindu nationalism is not something alien to Bengal’s political culture.

Its genesis is rooted in the political and social landscape of colonial Bengal. This question takes us back to the nineteenth century ‘Dharma Sabha’ (1831) that gathered Hindu orthodoxy under its banner. More important was the overarching figure of Nabagopal Mitra, a Bengali poet, essayist, and one of the founding fathers of Hindu nationalism, who founded the Hindu Mela (1867), which was the first institution for the birth of Hindu nationalism. The conceptualization of this Mela had roots in a book written in the same year by Rajnarayan Basu titled Prospectus of a Society for the National Feeling among the Educated Natives of Bengal\textsuperscript{33}, which called for the cultivation of Hindu music, medicine, and Sanskrit language. This gave impetus to the idea of Hindutva that was shaped by 19th century Bengali Elites, with Bankim Chandra Chattopadhyay as its intellectual patron.

It was in the 19th century – a period of colonial encounter – communal tensions were felt, actualized, and shaped in the form of Hindu nationalism that employed a language of the ‘other’ for the Muslim compatriot. It is this old narrative that has led to the securitization of identities. It has travelled from the centre to the periphery.

Going back to Nandy, in his recent admission in an interview, he stated that “he is an anti-secularist as he believes that the ideals of Ashoka and Akbar were more accessible to people rather than the concept of secularism”\textsuperscript{34}, he believes, dissociates from people.

\textsuperscript{33} Rajnarayan Basu, *Prospectus of a Society for the National Feeling among the Educated Natives of Bengal* (National Papers 1867)
\textsuperscript{34} Nidhi Surendranath, ‘Secularism is an Inaccessible Concept’ (*The Hindu*, 22 April 2016) \(<\text{https://www.thehindu.com/news/cities/Kochi/secularism-is-an-inaccessible-concept/article6262928.ece}>\)
The Gandhian vision of a secular state believes that all religious values and their discourse should be cherished in all spheres of life, be it public or private. And that no religion should be allowed to dominate another. In the Indian idea of secularism are we moving towards or away from this vision?

Ambreen Agha: There has been an erosion of Gandhian secularism. He stated that he saw the Hindu and the Muslim as his two eyes, refusing to envision a communally divided India. Gandhi supported the Khilafat movement, to ensure the participation of the Muslims in the Non-Cooperation Movement. The erosion of Gandhian secularism can be seen in the establishment of institutions devoted to his assassin. A Knowledge Centre, Godse Gyan Shala, is dedicated to the memory of his assassin, Nathuram Godse. Not to forget, one of Godse’s devotees, Babulal Chourasia, joined the Congress in Madhya Pradesh. However, he was himself a man of paradoxes and contradictions.

He was the first to push for cow protection, which he believed was a “central fact to Hinduism”. Remember that cow slaughter became the pretext for the first Hindu-Muslim riots. This is the 19th century, 1880, and even in 1890s. We see a religious commitment in Gandhi to protect the cow. The cow became a symbol of mass political mobilization and Hindu unity. Going back to the point of infusion of religion into politics, we can say that Gandhi emerges as the central figure when it comes to the merger of politics and religion.

What is your idea of Indian secularism? Do we need to adopt policies from across the world or is Indian secularism in good shape?

Ambreen Agha: Secularism should have a non-sectarian, bipartisan approach towards minorities. This feels like a figment of my imagination that might never be true. So far, we have only seen a patina of secularism. Otherwise, how can one leader bring such a radical shift from a secular democracy to Hindutva authoritarianism? This radical change has not been brought about by one man, one year, or one idea alone. Even in the making of India, secularism has always been compromised. The early premise – of tolerance and freedom – was right, but the politics of secularism - across the political spectrum - has produced a distorted version – that doesn’t bring people together but drifts them further apart.
We must build a society that is tolerant and allows people of all orientations to freely express themselves. In India, we need a renewal of commitment to the notion of secularism – while it also needs to be reimagined simultaneously – keeping in mind the spectacular heterogeneity that is across the length and breadth of the country. Conflating the practice of religion with communalism will continue to face backlash.

It is here that the role of History writing becomes increasingly important. The lens and pen of the historian are very crucial in building a historical narrative where a historian can either show communities as antagonistic groups or as people with a “common political ancestry”, as argued by Manan Ahmed in his recent book, The Loss of Hindustan\(^{35}\) – a home for all faiths.

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